

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EDWARD N. ROSE, #1910878

§

v.

§

CIVIL ACTION NO. 6:16cv460

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Petitioner Edward Nathaniel Rose, proceeding *pro se* and *in forma pauperis*, brings this petition for writ of habeas corpus under 28 U.S.C. § 2254 alleging the illegality of his convictions. The complaint was referred for findings of fact, conclusions of law, and recommendations for the disposition of the lawsuit.

After a review of the pleadings and record, the Magistrate Judge issued a Report recommending that Rose's federal petition be dismissed as time-barred through the statute of limitations. (Dkt. # 30). A copy of this Report was sent to Rose at his address, return receipt indicating that he received the Report on December 11, 2017, but no objections have been received to date. Accordingly, Rose is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. # 30), is **ADOPTED** as the opinion of the District Court. Further, it is

ORDERED that the above-styled petition for a writ of habeas corpus is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered and Signed

Jan 24, 2018

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge